

Message Text

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PAGE 01 SANA 01308 191029Z

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ACTION OPR-02

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R 180940Z APR 76

FM AMEMBASSY SANA

TO SECSTATE WASHDC 7858

UNCLAS SANA 1308

FOR L/M HAROLD S. BURMAN AND A/OS GORDON E. PARSONS

E.O. 11652: N/A

TAGSC ASCH

SUBJECT: YARG LEASE OFFER FOR EDUCATIONAL FACILITIES

REF: SANA 516; STATE 06267

1. EMBASSY WARMLY APPRECIATES VERY HELPFUL AND DETAILED ASSISTANCE PROVIDED BY STATE REFTEL CONCERNING LEASE OF LAND BY YEMENI GOVERNMENT FOR SANA INTERNATIONAL SCHOOL.

2. YEMENI GOVERNMENT AND AMERICAN SCHOOL PRINCIPAL, JAMES GILSON, HAVE COME UP WITH DRAFT AGREEMENT WHICH WE BELIEVE IS ENTIRELY SUITABLE. DRAFT REFLECTS CONSIDERABLE DISCUSSION BETWEEN GILSON AND YARG OFFICIALS PLUS COMMENTS BY EMBASSY.

3. DRAFT AGREEMENT IS ESSENTIALLY BETWEEN SCHOOL AND YARG WITH U.S. EMBASSY MENTIONED ONLY IN CONNECTION WITH NON-BINDING PARAGRAPH CONCERNING SETTLEMENT OF DISPUTES AND APPENDIX WHICH STATES IN GENERAL TERMS INTEREST OF EMBASSY AND USG IN SCHOOL. STATE REFTEL THEREFORE SEEMS TO GO FAR BEYOND WHAT IS NEEDED IN PRESENT CASE. FOR INSTANCE, LAND IS NOT BEING LEASED TO EMBASSY FOR SCHOOL BUT TURNED OVER BY YARG DIRECTLY TO SCHOOL ITSELF.

4. EMBASSY HAS, NEVERTHELESS, DRAWN ON STATE REFTEL FOR SECTIONS OF AGREEMENT WHICH DESCRIBE USG AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANA 01308 191029Z

EMBASSY INTEREST IN SCHOOL. THIS PARAGRAPH HAS

BEEN CAREFULLY DRAWN TO AVOID ANY ACCEPTANCE OF LIABILITY FOR FINANCIAL OR ADMINISTRATIVE RESPONSIBILITIES OF SHCOOL AND I DOING SO DRAWS ON PARAGRAPH FIVE OF SLETE REFTEL.

5. MUCH OF THE DRAFT AGREEMENT IS CONCERNED WITH RHATTERS WHICH ARE INTERNQH TO SCHOOL OR MINISTRY OF EDUCATION. THESE MATTERS DO NOT IN ANY WAY IMPINGE ON EMBASSY OR USG ARE NOT INCLUDED IN EXCERPTS GIVEN IN FOLLOWING PARAGRAPH.

6. (A) "AGREEMENT BETWEEN THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC AND SANA INTERNATIONAL SCHOOL.

(B) "IN VIEW OF THE FACT THAT THE STRENGTHENING OF SANA INTERNATIONAL SCHOOL HAS BECOME A MATTER OF NECESSITY AT THIS STAGE DUE TO THE PRESENCE OF A LARGE NUMBER OF CHILDREN OF EXPERTS OF VARIOUS NATIONALITIES IN ADDITION TO THE PRESENCE OF NUMEROUS FOREIGN EMBASSIES AND IN VIEW OF THE DESIRE TO ORGANIZE THE ACTIVITIES OF THE SCHOOL AND TO FACILITATE ITS CARRYING OUT ITS UNIQUE EDUCATIONAL MISSION IN THE DESIRED MANNER, THIS AGREEMENT IS CONCLUDED BETWEEN THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC AND THE SANA INTERNATIONAL SCHOOL.

(C) "1. THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC SHALL SET ASIDE AT NO COOST FOR A PERIOD OF FIFTY YEARS AN AREA OF (BLANK) OF LAND OWNED BY THE GOVERNMENT SITUATED AT (BLANK) IN ORDER THAT THE SANA INTERNATIONAL SCHOOL MAY ERECT ON IT ITS BUILDINGS AND VARIOUS OTHER FACILITIES ON THE CONDITION THAT THIS LAND AND EVERYTHING THERE IS ON IT IN THE WAY OF FACILITIES AND MOVEABLES WILL BE RETURNED TO THE YEMEN GOVERNMENT AFTER THE SPECIFIED PERIOD.

(D) "2. THE SANA INTERNATIONAL SCHOOL UNDERTAKES NOT TO USE THE LAND SPECIFIED IN THE PREVIOUS ARTICLE FOR ANYTHING EXCEPT FOR THAT SPECIFIED

(E) "8. ANY DISPUTE CONCERNING THE EXPLANATION OR THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANA 01308 191029Z

EXECUTION OF ANY TEXT IN THE AGREEMENT WILL BE SOLVED BY FRIENDLY MEANS OR THROUGH ARBITRATION AGREED TO BETWEEN THE YEMENI GOVERNMENT (MINISTRY OF EDUCATION) AND THE EMBASSY OF THE UNITED STATES OF AMERICA.

(F) "9. THE EBMASSY OF THE UNITED STATES OF AMERICA IN SANA PLEDGES TO CONTINUE TO DO AND TO SEE TIWH ALL THE MEANS AVAILABLE TO IT THAT THE INTERNATIONAL

SCHOOL FOLLOWS A SOUND ADMINISTRATIVE AND FISCAL SYSTEM AND THE ENFORCEMENT OF ALL THE TERMS OF THIS AGREEMENT."

7. LAST PARAGRAPH IS NOT TO BE INCLUDED IN BODY OF AGREEMENT BUT TO FOLLOW AS AN APPENDIX TO AGREEMENT.

8. COMMENT. SCHOOL IS, OF COURSE, EAGER TO ACQUIRE USE OF PROPERTY IN HOPE THAT BUILDINGS CAN BE ERECTED FOR WINTER TERM, IF NOT FALL TERM OF 1976. WE ARE EAGER TO MOVE AHEAD WITH NECESSARY STEPS TO GET CABINET APPROVAL OF THIS AGREEMENT BECAUSE OF RUMORS THAT GOVERNMENT COULD CHANGE IN NEXT MONTH. THIS GOVERNMENT IS PRESENTLY COMPOSED N MEN WHOSE ATTITUDES ARE VERY FRIENDLY TO THE SCHOOL OR WHOSE CHILDREN ATTEND IT. WE, THEREFORE, URGE DEPARTMENT REVIEW EXCERPTS FROM AGREEMENT WITH VIEW TO EARLY APPROVAL OF SIGNATURE BY EMBASSY. WE WILL OF COURSE PROPOSE ANY CHANGES WHICH DEPARTMENT WISHES US TO MAKE IN WORDING BUT HOPE NONE RPT NONE WILL BE NECESSARY IN VIEW OF LENGTHY DISCUSSIONS TO DATE AND NEED TO PRESS MATTER TO EARLY CONCLUSION. SCOTES

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